

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM COLES,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

Case No. 09-cv-1523-RSL-JPD

REPORT AND RECOMMENDATION


Plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. Dkt. No. 1. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. No. 21.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. The parties have stipulated that on remand, an Administrative Law Judge (“ALJ”) shall re-contact Nina Greenblatt, M.D., and Allison Devers, M.D., if possible, to clarify whether their opinions of sedentary work meant that Plaintiff could work 8-hours per day in a sedentary job (Tr. 314, 373, 542, 552, 583). The ALJ shall also re-assess the opinions of Dr. Greenblatt, Dr. Devers, Carlo

1 Bellabarba, M.D., and Sohail Mirza, M.D., regarding Plaintiff's ability to sit (Tr. 314, 373, 452,
2 506, 536, 542, 552, 583). The ALJ shall also fully develop the record, and shall consider all
3 medical evidence that is located in Plaintiff's electronic file that was not made part of the record.
4 Such medical evidence includes records from Highpoint Medical Clinic that were not included in
5 Exhibit 46F; an examination by Dr. Lipon and Chiropractor Tanner dated April 2007; a letter
6 from the Washington State Department of Social and Health Services dated June 2007; and
7 records from Harborview Medical Center for the period of October 2006 to June 2007. The ALJ
8 shall also re-assess Plaintiff's residual functional capacity. Finally, as necessary, the ALJ shall
9 re-assess Plaintiff's ability to work at Steps 4 and/or 5. The parties further stipulate that, upon
10 proper presentation, Plaintiff is entitled to reasonable attorney fees and costs pursuant to 28
11 U.S.C. § 2412(d).

12 A proposed order accompanies this Report and Recommendation.

13 DATED this 27th day of April, 2010.

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16 JAMES P. DONOHUE
17 United States Magistrate Judge
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